

Message

**From:** Environmental  
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**Sent:** 3/14/2017 7:52:40  
AM  
**To:** Duffy, Rick  
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**Subject:** Dakota Access Says  
Tribe Is Too Late To  
Halt 'Black Snake'  
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ENVIRONMENTAL



Tuesday, March 14, 2017

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## TOP NEWS

### Dakota Access Says Tribe Is Too Late To Halt 'Black Snake'

Dakota Access LLC urged a D.C. district judge Monday to reject the Cheyenne River Sioux Tribe's bid to halt construction on the company's pipeline, claiming the tribe waited far too long to raise its claims that the oil pipeline threatens the religious purity of a North Dakota lake.

### Exxon Used Fake Name On Tillerson Climate Emails: NY AG

New York Attorney General Eric Schneiderman on Monday accused ExxonMobil of hiding communications sent from ex-CEO Rex Tillerson with the email alias "Wayne Tracker," uncovered as part of its ongoing probe into the oil and gas giant's climate change knowledge.

### San Onofre Owners Net \$125M In Nuke Plant Shutdown Row

Southern California Edison Co. and others were awarded \$125 million on Monday by an International Chamber of Commerce arbitration panel against Mitsubishi Heavy Industries for supplying allegedly defective steam generators for the now-closed San Onofre Nuclear Generating Station.

### Groups Tell Court EPA Failed To Fulfill Civil Rights Obligations

The Sierra Club and other citizen groups led by Earthjustice and Yale Law School's Environmental Justice Clinic asked a California federal court on Monday for a quick win in a civil rights lawsuit against the Environmental Protection Agency, claiming that the EPA has for decades "shamelessly" ignored racial discrimination complaints from communities located near projects that they say harmed the environment.

## LAW FIRMS

Alexander Dubose  
Altshuler Berzon  
Arent Fox  
Arnold & Porter Kaye Scholer  
Babst Calland  
Baker Botts  
Baker Donelson  
Baron & Budd  
Branscomb PC  
Cotchett Pitre  
Covington & Burling  
Curtis Mallet-Prevost  
Dentons  
Dewey & LeBoeuf  
Duane Morris  
Earthjustice  
Faegre Baker  
Fredericks Peebles  
Gibson Dunn  
Gomez Trial Attorneys  
Graham & Dunn  
Herbert Smith Freehills  
Hilliard Munoz  
Hoblit Darling  
Hunton & Williams

## **Monsanto Can't Keep Glyphosate Off Calif. Cancer List: Court**

A California state judge on Friday tossed Monsanto Co.'s lawsuit alleging a state agency has no authority to list the herbicide glyphosate, a key ingredient in the company's Roundup product, on a list of cancer-causing chemicals.

## **POLICY & REGULATION**

### **Wildfires Prompt Govs. To Seek Grazing Restrictions Pause**

The Republican governors of Texas, Kansas, New Mexico and Oklahoma on Friday asked the U.S. Department of Agriculture for an emergency pause to the Conservation Reserve Program's grazing restrictions in their states, saying the ongoing wildfires that burned more than 1.5 million acres in the past week have led to grazing shortages.

### **Trump Orders Review Of Fed. Programs In Bid To Shrink Gov't**

President Donald Trump signed an executive order Monday requiring a program-by-program examination of every federal agency, taking another step in his push to reorganize and downsize the federal government.

### **McCain Asks EPA OIG For Info On Gold King Criminal Probe**

Sen. John McCain on Monday asked the U.S. Environmental Protection Agency Office of the Inspector General to turn over information related to whether the EPA and Justice Department should pursue criminal charges against EPA employees involved in the Gold King Mine spill disaster.

### **Okla. House Approves Ending Wind Tax Credit In July**

Oklahoma's House passed a controversial bill that eliminates tax credits for electricity generated by zero-emission facilities, such as wind turbines, four years earlier than expected.

## **LITIGATION**

### **9th Circ. Should Say If Kids' Climate Suit Is OK: Industry**

Industry groups on Friday asked an Oregon federal judge to certify her order and allow the Ninth Circuit to determine whether a lawsuit accusing the federal government of failing to protect future generations from the threat of climate change is barred by the political question doctrine, which forbids claims that are a matter of politics and not law.

### **DC Circ. Pauses EPA 2017 Biofuel Standards Challenge**

The D.C. Circuit on Friday put on hold the American Petroleum Institute's challenge to the Environmental Protection Agency's 2017 renewable fuel volume requirements, saying the panel will first rule on another challenge to the agency's 2016 biofuel standards.

### **FEMA Housing Contractors Get Katrina FCA Suit Tossed**

A Fifth Circuit panel on Friday refused to revive two would-be whistleblowers' False Claims Act lawsuit accusing Federal Emergency Management Agency contractors of bilking the government on temporary housing contracts after Hurricane Katrina, finding nothing "null" about underlying subcontracts or bills submitted for them in an unpublished opinion.

Jackson Lewis  
Jones Walker  
Kahn Soares  
Kasdan LippSmith  
Kellogg Hansen  
King & Spalding  
Latham & Watkins  
Leech Tishman  
Miller Nash  
MoloLamken LLP  
Morgan Lewis  
Morvillo Abramowitz  
Norton Rose Fulbright  
Nossaman LLP  
Paul Weiss  
Ross Feller  
Schwabe Williamson  
Seward & Kissel  
Shearman & Sterling  
Sidley Austin  
Slaughter and May  
Spiegel & McDiarmid  
Susman Godfrey  
Tycko & Zavareei  
Van Ness Feldman  
Vinson & Elkins  
Watts Guerra  
Weil Gotshal  
White & Case  
Wigington Rumley

## **COMPANIES**

American Federation of Labor and Congress of Industrial Organizations  
American Petroleum Institute Inc.  
Ameriprise Financial, Inc.  
Bank of America Corporation  
CH2M Hill  
Consilio LLC  
Cummins Inc.  
Energy Transfer Partners, L.P.  
Facebook  
Fannie Mae  
Freddie Mac  
Goldman Sachs Group Inc.  
Hearst Corp.  
Kinder Morgan

## **Valero Gets Corpus Christi Water Litigation Moved To MDL**

The Texas Multidistrict Litigation Panel on Friday ordered cases against Valero Energy Corp. alleging potential contamination of drinking water in Corpus Christi, Texas, be consolidated for pretrial proceedings.

## **Washington Says Monsanto PCB Suit Belongs In State Court**

Washington state on Friday asked a federal judge to remand its lawsuit against Monsanto over the alleged contamination of waterways with polychlorinated biphenyls.

## **Enviros Seek Quick Win In Suit Over FWS' Bison Range Plans**

The Public Employees for Environmental Responsibility and nine retired National Wildlife Refuge System employees moved for a quick win Friday in their suit over the management of the National Bison Range, control over which the U.S. Fish and Wildlife Service is considering transferring to the Confederated Salish and Kootenai Tribes.

## **Kinder Morgan Unit Says Nashville Playing Games With Permit**

The government of Nashville, Tennessee, can't now claim that a Kinder Morgan unit hasn't adequately analyzed emissions controls in order to receive air permits for a portion of a \$400 million natural gas pipeline upgrade project after never telling the company its application filed over two years ago was incomplete, the D.C. Circuit heard.

## **Pa. Justices Urged To Preserve Fracking Rule Injunction**

An energy industry group urged Pennsylvania's highest court on Friday to uphold a preliminary injunction it won barring state environmental regulators from beginning to enforce controversial new regulations governing surface activities near gas drilling sites.

## **Feds Get Tribes' Claims Trimmed In Calif. Highway Project Suit**

A federal judge trimmed two Native American tribes' claims against the federal government on Friday in a suit they brought to challenge a highway project in Northern California out of concern for cultural sites and sensitive wetlands.

## **Clean Energy Financier Hit By 'Deceptive Loan' Class Action**

Ygrene Energy Fund Inc., which provides homeowners with financing for clean energy projects, pushed risky loans with undisclosed fees and deceived consumers about government support for the transactions, a proposed class action has alleged in California federal court.

## **Investors Press Case In \$97M Costa Rican Real Estate Row**

U.S. investors who claim that Costa Rica owes them \$97 million for shutting down their beachfront villa project have questioned why the Central American nation failed to produce any witnesses from the country's environmental authority, telling a World Bank tribunal that this "gaping hole" in the record speaks volumes.

## **EXPERT ANALYSIS**

## **Settlement Strategy: What Does The Client Really Want?**

King Pharmaceuticals Inc.  
Kinross Gold Corporation  
Litigation Counsel of America  
Microsoft Corporation  
Mitsubishi Heavy Industries  
Monsanto Company  
National Association of Manufacturers  
National Corn Growers Association  
New York Times Co.  
New York University  
Pfizer Inc.  
PricewaterhouseCoopers  
Redflex Traffic Systems  
San Diego Gas & Electric Co.  
Sierra Club  
Solutia Inc.  
Southern California Edison  
Thomson Reuters Corporation  
United Steelworkers  
Valero Energy Corp.

## **GOVERNMENT AGENCIES**

Army Corps of Engineers  
California Department of Transportation  
California Environmental Protection Agency  
Cheyenne River Sioux Tribe  
Confederated Salish & Kootenai Tribes  
Coyote Valley Band of Pomo Indians  
European Securities and Markets Authority  
Executive Office of the President  
Farm Service Agency  
Federal Communications Commission  
Federal Emergency Management Agency  
Federal Energy Regulatory Commission  
Federal Highway Administration  
Federal Housing Finance Agency  
Federal Trade Commission  
Fish and Wildlife Service

The best outside counsel think like the client. That includes understanding the client's perspectives and goals with regard to reaching a settlement — because “good results” mean different things for different clients. Outside counsel must ask themselves the right questions, and know the answers, to shape a client-focused settlement strategy, say Kate Jackson of Cummins Inc. and Patrick Reilly of Faegre Baker Daniels LLP.

## LEGAL INDUSTRY

### Legal Tech Download: Dentons' RegTech, LawGeex Funders

The world of legal technology is quickly evolving, with new products aimed at aiding lawyers coming to market in rapid succession. Here, Law360 takes a look at seven major recent developments in legal tech.

#### Analysis

### Will SDNY's Independent Streak Falter Without Bharara?

As Manhattan's top prosecutor, Preet Bharara chased Wall Street traders, Albany legislators and even small-town narcotics gangs, upholding the headstrong tradition of the district's U.S. Attorney's Office. Now, some former prosecutors say the circumstances of his exit raise questions about whether a successor will maintain the independent culture of the elite office.

### Dentons Lays Off 60 In The US In Consolidation Push

Global legal giant Dentons has laid off 60 support staff members in 22 offices across the U.S., the firm confirmed on Monday, as it continues to examine its business model more than a year after sealing its merger with McKenna Long & Aldridge LLP.

### Chicago US Atty Resigns, Urges Feds To Continue Gun Work

U.S. Attorney for the Northern District of Illinois Zachary T. Fardon resigned Monday following an order from Attorney General Jeff Sessions, and used his exit to call on the U.S. Department of Justice to continue his office's focus on gun violence.

### Pa. Sens. To Keep Cooperating On Federal Bench Nominees

Pennsylvania's two U.S. senators said Friday they would continue their bipartisan process for identifying federal judicial nominees, even as they have apparently diverged with regard to U.S. Supreme Court nominee Judge Neil Gorsuch.

### Gorsuch Was Billing Juggernaut At DC Firm, Says Colleague

As a partner at a prominent D.C. corporate law firm, U.S. Supreme Court nominee Neil Gorsuch hit between 2,400 and 3,000 billable hours per year, according to a former colleague, who described Gorsuch as a “constitutionally hard-worker” when recounting the appellate judge's time in private practice at Kellogg Hansen Todd Evans & Figel PLLC.

### Dewey Witness Says CFO Was In On Accounting Fraud

The former head of finance at Dewey & LeBoeuf LLP told a Manhattan jury Monday that he discussed false accounting practices being used to prop up the firm with Chief Financial Officer Joel Sanders, who signed off on bogus documentation shown to auditors.

### Ex-Hunton Atty's Tip Not Enough To Trade On, Jury Told

Attorneys for a former Hunton & Williams LLP patent litigator accused of passing on inside information about Pfizer's plans to acquire his client told a

International Chamber of  
Commerce  
Michigan Department of  
Environmental Quality  
Navajo Nation  
New York Attorney General's  
Office  
Pennsylvania Supreme Court  
Round Valley Indian Tribes  
Securities and Exchange  
Commission  
Southern Ute Indian Tribe  
Standing Rock Sioux Tribe  
U.S. Army  
U.S. Attorney's Office  
U.S. Department of Agriculture  
U.S. Department of Justice  
U.S. Department of Transportation  
U.S. Environmental Protection  
Agency  
U.S. Supreme Court  
World Bank Group

jury Monday that the tip was really an ambiguous statement that wasn't enough to trade on.

### **Jackson Lewis Joins Firms Offering Remote Work Option**

Jackson Lewis PC will give associates and of counsel the option to work remotely in an effort to promote workplace flexibility, the firm announced Monday, joining the growing number of U.S. and U.K. firms offering out-of-office work opportunities.

### **Plaintiffs Bar Perspective: Susman Godfrey's Mark Wawro**

For both sides, the most compelling case will be one that tells a good story. It's just harder for the defendant to set the stage for the story, says Mark Wawro of Susman Godfrey LLP.

#### **JOBS**

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